1890-036 Chancery Causes: Richmond Duncan & Orr vs. Lafayette Davis & Lee Co.

Richmond, Duncan, Orr

CA-Debt
T-Property

To the Honorable John A Kelly Judge of the Circuit Court of Lee County Va.

Humbly complaining your orators James B. Richmond, C. T. Duncan & James W Orr lawyers practicing under the firm name of Richmond Duncan & Orr would respectfully show your honor that heretofore, to wit, on the 26th day of July 1884, your orators, before H. C. Joslyn a Justice of the Peace in and for said county, recovered judgment against Lafayett Davis, James Davis & Wilson Davis for the sum of $65.00 with interest thereon from the 23rd day of January 1884, until paid and $1.50 costs, which judgment is still due and owing to your orators, as no part thereof has been paid. On said judgment an execution was issued by said Justice of the Peace on the said 26th day of July 1884 and placed in the hands of S. H. Belew a constable of said County for collection, and was on the 16th day of Aug 1884 returned by said constable with the following return endorsed thereon, to wit.- "No property found. S. H. Belew C. L. C." And on the 16th day of August 1884, your orators said judgment was docketed in the Clerks office of the County Court of said County in the judgment lien docket. A copy of said judgment and the docketing thereof is herewith filed marked "A" and prayed to be considered as part hereof, and a copy of said execution together with the return thereon indorsed is herewith filed marked "B" as part hereof. The said James Davis is now dead

and your orators will further show your honor that the said Wilson Davis is seized and possessed in fee simple of a tract of land lying and being in the said County, containing 150 acres more or less, and bounded by the lands of

and that they are advised that their said Judgment is a lien, under the Statute on the said real estate; that the rents and profits of the said real estate will not satisfy the said Judgment in five years. In tender consideration whereof, forasmuch as your orators are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable. Your orators pray that the said Lafayette Davis & Wilson Davis be made parties defendants to this bill, and that order of publication be made and published against the said Lafayette Davis required to answer the same on oath; that the said real estate, or so much thereof as may be necessary, be sold to satisfy your orators' Judgment, and that your honor will grant further and general relief. May Sfa issue &c.

Richmond Duncan & Co.

* and the said Lafayette Davis is a non-resident of this State and has no estate in this state so far as your orators know.

C	$6.85
S	.50
Pr.	5.00
A	15.00
	$27.85
Estimate	6.00
Add for C.	.87 Jany/86
	$34.22
Debit	74.30 Jany
~~Cert~~	~~3.00~~
Cert	5.40
	$113.92

1887.

Richmond Duncan & Co.

vs

Bill in Chancery

Lafayette Davis & als.

1885. June Bill Filed & O.R.

" July Spa Ex'd on home Defts D. N. as to Atkins & Cont'd

" Aug. Dft Davis Confd & Pmtn completed & Cause Set for hearing.

" Aug. Term Decree & Cont'd.

1887 Dec. Continued

1888. Continued this year

1889. "

1890 Mar. "Dismissed"

Richmond Duncan & Or — Pltffs
against — } In chancery
Lafayette Davis & als — Defts

It being admitted by plaintiffs that their debt and costs have been fully paid, without a sale of the land in the cause decreed to be sold. It is therefore ordered that this cause be stricken from the docket.

Richmond Duncan & ux
vs } Decree Final
Lafayette Davis & als.

Entered Phey
O. B. page 245
April 1st 1890
J. A. Hyatt C

Enter this decree
H. L. K. M.
April 1 1890.

Richmond Duncan & Ors. Plffs } In Chancery.
against
Lafayette Davis & Wilson Davis Defts

This cause came on this day to be heard on the bill and exhibits therewith, the order of publication duly made posted and published as the law directs against the defendant Lafayette Davis, and the service of process on the defendant Wilson Davis, and it was argued by Counsel, And the defendants both failing to appear and plead or answer, the bill is taken for confessed against them. On consideration whereof it is adjudged, ordered and decreed that the plaintiffs recover against the defendants $66.50 with legal interest ~~thereon~~ on $65.00 part thereof from the 23rd day of January 1884, until paid and the costs of this suit, and unless the same is paid within 20 days from the rising of this court, then James W Orr who is hereby appointed a Commissioner for the purpose, will proceed at the front door of the Court house of this County, on same Court day, to sell to the highest bidder, on a credit of six & twelve months, the tract of land in the bill mentioned belonging to the defendant Wilson Davis, or so much thereof as may be necessary to satisfy this decree, except so much as may be necessary to pay the costs of this suit and the expense of sale will be required to be

paid in hand, and for the residue bonds with good security will be required of the purchaser before selling advertise the same for at least 30 days by written advertisement on the front door of the court house of this County & in the vicinity of said land. bearing interest from date, but before ~~receiving any money~~ acting under this decree said commissioner will execute bond before the Clerk of this Court in the penalty of $150.00 conditioned to pay over under the orders of this court, all money that may come into his hands as such Commissioner, and will report his action to a future term of this court, and the cause is continued.

Said Comr. will

Richmond & Duncan & Ors.
vs
Decree No 1.
Lafayette Davis & O
Contested Page 464
J. R. Gibson Clk

Enter this Decree.
Aug 29th 1885
J. R. G.

I. Jas. W. Orr do certify that Lafayette Davis a deft in the chcy Cause of M. & J. D. Sims vs said Davis et al is a non resident of this state July 6th 1885.

James W Orr

Sworn to before me. July 6th 1885.

J. H. Stratt

Richmond Devenport
vs } Affidavit
Lafayette Davis et al

108
108
108
76
400

Recover

VIRGINIA, Lee County—To Wit

To S. H. Baker Constable of Said County:

I HEREBY COMMAND YOU TO SUMMON Lafayette Davis, James Davis & Wilson Davis if to be found in your District to appear at my office in said County, on the 26th day of July 1884 before me or such other Justice of said County, as may then be there to try this Warrant: to answer the complaint of Richmond Duncan & son and upon a claim for money not exceding $100 00, exclusive of interest, to wit: for the sum of $65.00 due by Note. And then and there make return of this Warrant Given under my hand, the 19" day of July 1884.

H. C. Joslyn J. P.

Richmond Duncan & son AGAINST Lafayette Davis, James Davis & Wilson Davis } On the 26th day of July 1884. In Debt. At Jonesville in said County.

JUDGMENT. That the Plaintiff recover of the Defendant, $65.00 with interest thereon from the 23d day of Jan 1884 till paid: and $1.50 for costs

H. C. Joslyn J. P.

VIRGINIA, Lee County—To wit:—To S. H. Baker Constable of said County

I command you, in the name of the Commonwealth of Virginia, that of the goods and chattles of Lafayette Davis James Davis & Wilson Davis in your county, you cause to be made the sum of $65.00 with interest thereon from the 23d day of Jany 1884 till paid: which Richmond Duncan & son has recovered before me in a warrant in debt and also the sum of $1.50 which were adjudged to the said Richmond Duncan & son for costs in prosecuting said warrant. Given under my hand the 26th day of July 1884

H. C. Joslyn J. P

Richmond Simeon & Co

V.S. Warrant

Lafayette Davis
James Davis
Wilson Davis

Executed July 20/1884
L H B Olen C G C

Filed & Docketed on J. D.
Lien Docket Aug. 16 1884.
J. R. Gibson clk.

No property found.
Aug 16th 1884.
H B Olen C G C

"A" & "B"

Know all men by these presents that we James W. Orr and are held and firmly bound unto the Commonwealth of Virginia in the first and full sum of $150.00 well and and truly to be paid to the said Comlth, and for which we herby bind ourselves heirs &c. and we as to this bond waive our Homestead exemptions, witness our hands and seals this 24th day of September 1885.

The Condition of the above obligation is such that whereas the said James W. Orr, was appointed a Commissioner in the Chancery Cause of Richmond Duncan & Orr vs Lafayatte Davis et al now pending in Lee County Circuit Court, and by a decree rendered in said cause at the Aug. Term 1885, was directed to sell certain lands of Wilson Davis mentioned in said bill.

Now therefore should the said Orr discharge the duties faithfully which is assigned him, and properly account for all sums of money which he may receive as such

Commission, then this Obligation to be void otherwise to remain in full force and virtue

Seal

Seal

Richmond Duncan for
Comm's Bond

Lafayette Daniel et al

Filed Sept. 24/1885.
J. C. Pettyjohn
C.C.

Know all men by these presents that we James W. Orr and are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One Hundred and Fifty (150$) Dollars. for the prompt payment thereof unto the said Cmwlth, we each bind ourselves heirs &c. and we as to this bond waive our Homestead exemptions, witness our hands and seals this day of January 1886.

The condition of the above obligation is such that whereas the above bound James W. Orr was by a decree rendered in the Chancery Cause of Richmond Duncan Exr &c. vs Lafayette Davis et al, at the August term 1885 of Lee circuit Court, appointed a Comr. and directed to make sale of certain lands mentioned in said bill

Now therefore should the said James W. Orr faithfully perform the duties assigned him, and promptly pay over under the orders of the Court, all sums that may come into his hands as such Comr, then this obligation to be void otherwise to remain in full force and virtue

James W Orr (Seal)
Charles A Russell (Seal)

Richmond Duncan & Co
vs } Court.
} Bond
Lafayette Davis et al

Filed Jany 1884

J. H. Hyatt & C

36
9
3.24
.40
3.64

$ 65.00
11
7.15 - Int to Jany 87
65.00 Jany 87
$ 72.15 - 1888, Costs
35.72
$ 107.87
Cr 25.00
$ 82.87
11.70 Int to Jany 1887.
$ 94.57
3.64 clk.
78.21
6.00 Estimated off
$ 72.27
63.76
28.45 -

1-10
1/2
22

34.22
1.50
35.72

Check 43.76
cash 20.00
$ 63.76

Cr $28 00 as held in full
Mar 4th 1890.

Mr. _____

You are assessed the sum of _____ **Dollars**

for the support of the Presiding Elder and Preacher in charge of the Jonesville Circuit, for the Conference Year 1884-5, payable quarterly to the Preacher in charge or the Stewards.

_____
_____ } *Stewards.*

Richmond Dr O. vs Wilson Davis & als.

Pr Jany 23rd 1884.		$65.00
Int to Jany 18th 1887		11.70
	Pr & Int.	76.70
Costs J. P.		
Costs Chy Suit	$1.50	
Com on sale — —	34.22	
	5.62	
Damn	$41.34	
Cr Mr 16th 1886. on costs, — —	15.00	
Damn	26.34	

Promissory notes. 6 & 12 mos. each $38.35-

R. D. & Co.
vs
L. Davis.

Prov. Int. $76.70
Costs & Com. 41.34
$118.04
Cross costs 15.00
$103.04

Virginia

At Rules held in the Clerk's Office of the Circuit Court for Lee County Monday July 6th 1885.

Richmond Duncan and Orr. Pltffs.
against } In Chy.
Lafayette Davis et al Defts

The object of this suit is to ~~recover against the defendants the amount~~ sell so much of the land in the bill mentioned as will be necessary to pay the Judgment interest and costs in the bill mentioned, and the costs of this suit. And it appearing from an affidavit filed in this cause that the Defendant Lafayette Davis is a non resident of this State:-

It is therefore ordered that he appear here within one month after due publication of this order and do what may be necessary to protect his interest in this suit.

A Copy Teste
J. A. S. Hyatt C.C.

R. D. & O. & Q.

Richmond Dunevant &c

vs } Order Pub'n

Lafayette Davis et al

I certify that I posted a copy of this order at the front door of Lee C. H. at the July Term of said Co Court & delivered a like copy to Lee Co Sun for publication

J. A. L. Hyatt C. C.

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon Lafayette Davis and Wilson Davis

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in July next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against them, by James B. Richmond, C. T. Duncan and James W. Orr lawyers and partners practicing under the firm name and style of Richmond Duncan & Orr

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 19 day of June, 1885, in the 109 year of the Commonwealth.

J. A. G. Hyatt, Clerk.

A Copy---Teste:

(R. D. & Co.)

Richmond, Duncan & Co.

vs } Spa in Chcy

Lafayette Davis et als

To July Rules 1885

Executed by delivering an office copy of this Spa. to Wilson Davis the dft Lafayette Davis not being found in my bailiwick June — 1885

R. D. Flannery S. F. C.

The Commonwealth of Virginia,

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WE COMMAND YOU to summon Lafayette Davis and Wilson Davis

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in July next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against them, by James B. Richmond, C. T. Duncan and James W. Orr lawyers practicing under the firm name and style of Richmond Duncan & Orr

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 19 day of June, 1885, in the 109 year of the Commonwealth.

J. A. G. Hyatt, Clerk.

A Copy---Teste:

J. A. G. Hyatt C. C.

For

Lafayette Davis

Publisher's Certificate.

JONESVILLE, VA., Aug. 1st, 1886.

I, A. M. Gains, Publisher of the LEE COUNTY SUN, a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed Chancery Order was published four successive weeks in said newspaper, publication ending July 31, 1885.

A. M. Gains, Publisher.

VIRGINIA:—At rules held in the Clerk's office of the Circuit Court for Lee county, Monday, July 6th, 1885.

Richmond, Duncan & Orr, Plffs,
against
Lafayette Davis et al, Defts.

IN CHANCERY.

The object of this suit is to sell so much of the land in the bill mentioned as will be necessary to pay the judgment, interest and costs in the bill mentioned, and the costs of this suit. And it appearing from an affidavit filed in this cause that the defendant Lafayette Davis is a non resident of this State, it is therefore ordered that he appear here within one month after due publication of this order and do what may be necessary to protect his interest in this suit.

A copy teste,

J. A. G. HYATT, C. C.

R D. & Orr, P. Q.

Pub. Fee $5.00

Richmond, Duncan & Orr

vs } Order Paid

Lafayette Davis

Pubr fee $5.00